

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INGENIO, FILIALE DE LOTO-
QUEBEC, INC.,

Plaintiff,

V.

**GAMELOGIC, INC. and
SCIENTIFIC GAMES CORPORATION,**

Defendants,

C.A. No. 04-1532 (KAJ)

JURY TRIAL DEMANDED

PUBLIC VERSION

**DECLARATION OF DOW K. HARDY
IN SUPPORT OF DEFENDANT GAMELOGIC, INC.'S
MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

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*Attorneys for Defendant
GameLogic, Inc.*

Dated: March 8, 2005
Public Version Filed: March 15, 2005

I, Dow K. Hardy, declare as follows:

1. I am over 18 years of age. I have personal knowledge of the facts stated herein, except those stated on information and belief, and, if called upon, could and would testify competently to them. I make this declaration in support of defendant GameLogic, Inc.'s Motion for Summary Judgment of Non-Infringement.

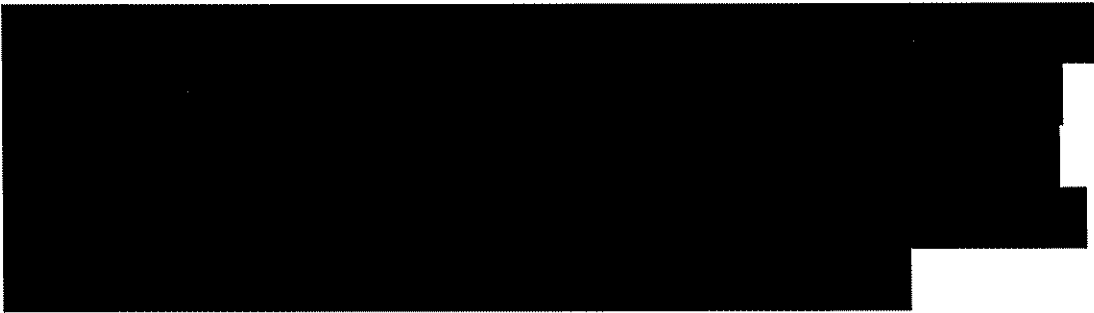
2. GameLogic, Inc. ("GameLogic") was founded in April 2001, and currently employs approximately [REDACTED] people in its Cambridge, Massachusetts offices. The business of GameLogic is to create unique, massive-scale game engines, content and ancillary support systems.

3. I am the Senior Vice President of Technology for GameLogic. As such, I am responsible for and familiar with all technology development and operations for the company. The GameLogic technology organization consists of approximately [REDACTED] technical personnel involved in game client development, platform development, operations, information technology, compliance, quality assurance and documentation.

4. GameLogic has developed and owns HomePlay Lottery™, a lottery-based gaming product. [REDACTED]

[REDACTED] To date, HomePlay Lottery has been marketed and demonstrated to state lottery boards; it is not yet available to the public.

5. HomePlay Lottery is a fixed odds game of chance, much like a traditional state-sponsored lottery. The primary difference between HomePlay Lottery and a more traditional lottery (e.g. a scratch off lottery) is that HomePlay Lottery allows, but does not require, lottery ticket purchasers to play one or more interactive games over the internet prior to learning whether the ticket is a winner or not. [REDACTED]



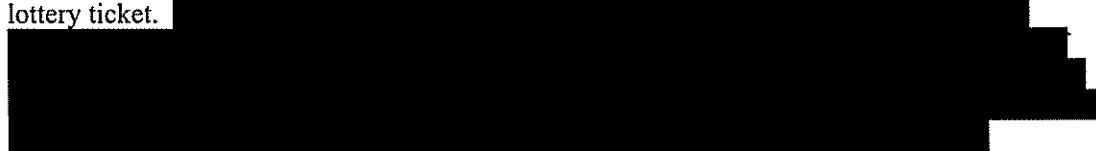
6. There are four basic steps to the HomePlay Lottery game:
- the player buys a paper ticket from a lottery vendor (such as a convenience store or other location where lottery products are sold) or from an on-line lottery terminal¹;
 - the player logs onto the HomePlay Lottery website by entering the access code printed on the paper ticket;
 - the player selects and plays one or more interactive games in order to reveal whether or not the lottery ticket is a winner; and
 - if the lottery ticket is a winner, the player presents the winning paper ticket to a lottery vendor in order to redeem the prize.

HomePlay Lottery is further described in the GameLogic document entitled "Lottery HomePlay: Product Guide," a true and correct copy of which is submitted as Exhibit J.

7.



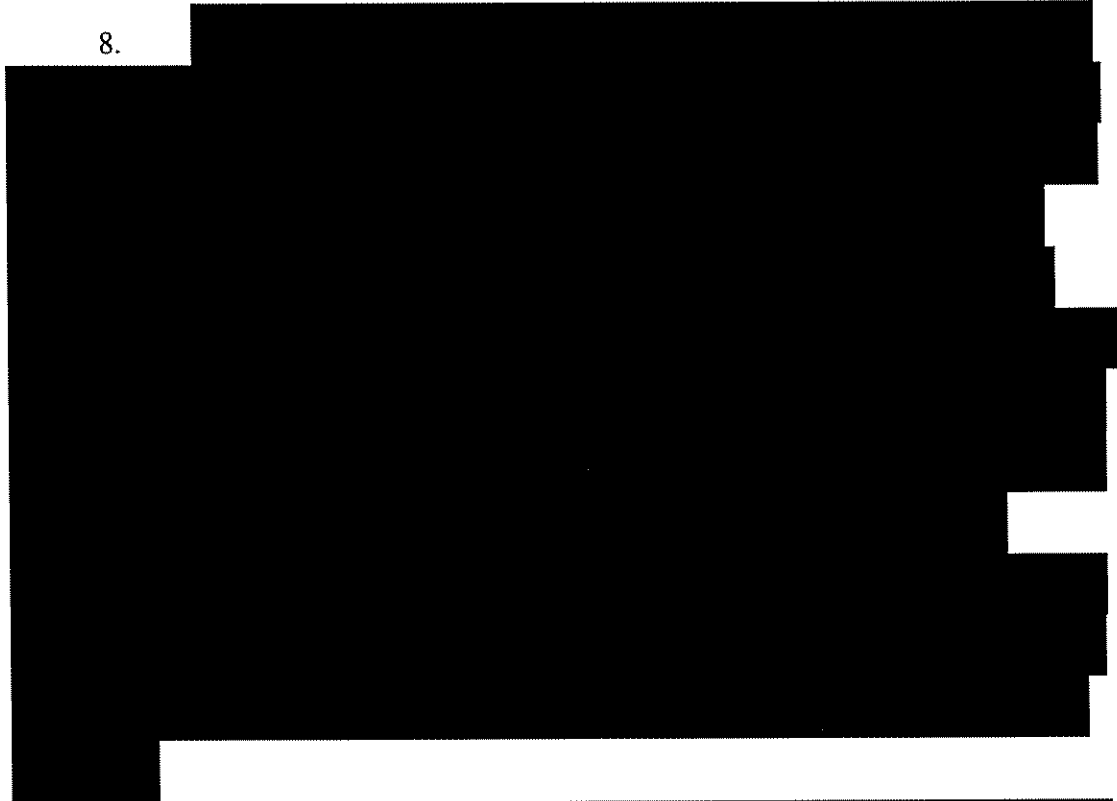
¹ An on-line lottery terminal is a stand-alone machine that allows purchasers to buy a lottery ticket.





The HomePlay Lottery™ Ticket

8.



9.



[REDACTED]

HomePlay Lottery Access Codes

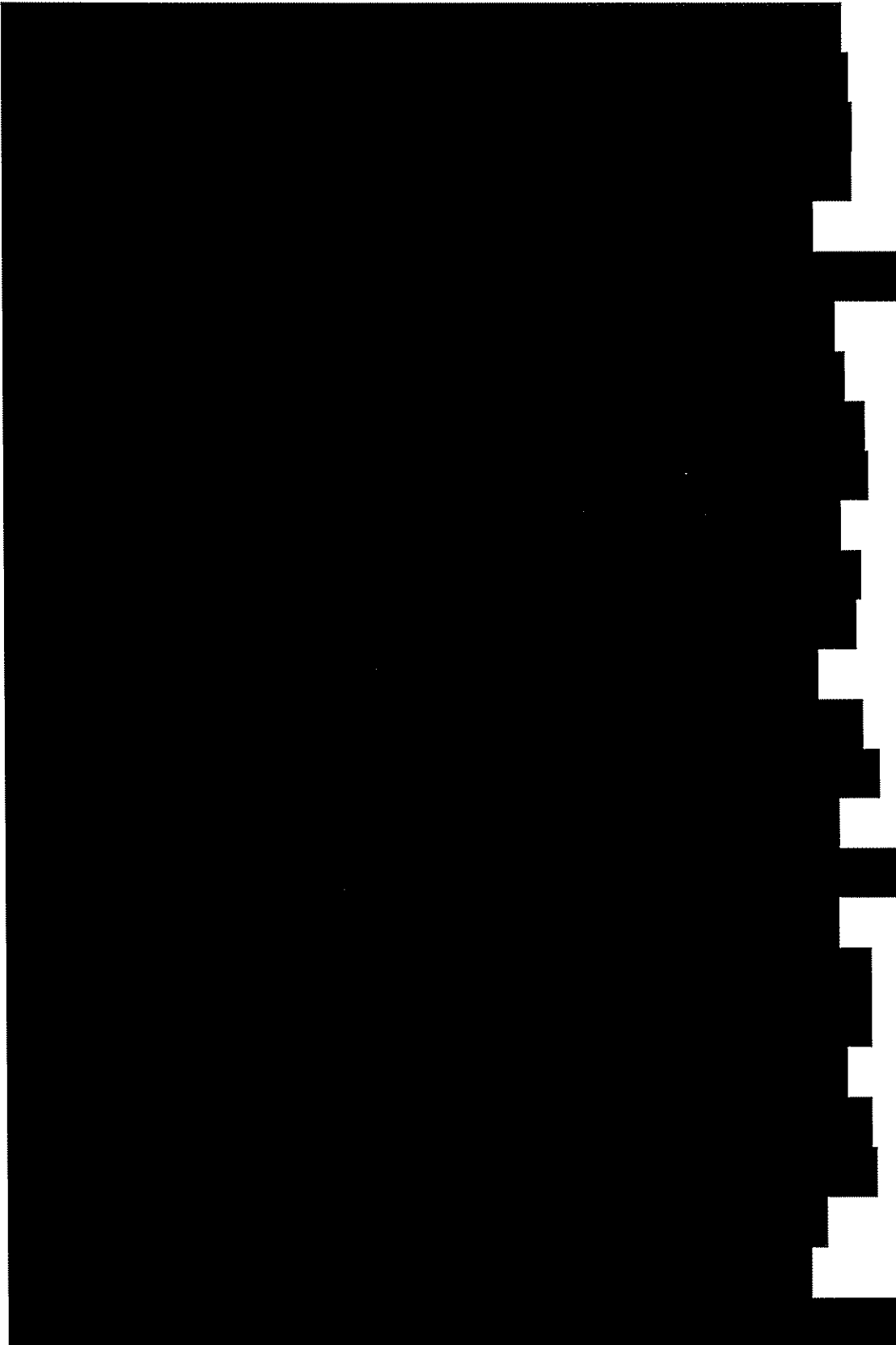
10.

[REDACTED]

The access code generation process is described in the GameLogic documents entitled "Access Code Spec" and "Creating Access Codes," true and correct copies of which are submitted as Exhibits L and M, respectively.

11.

[REDACTED]




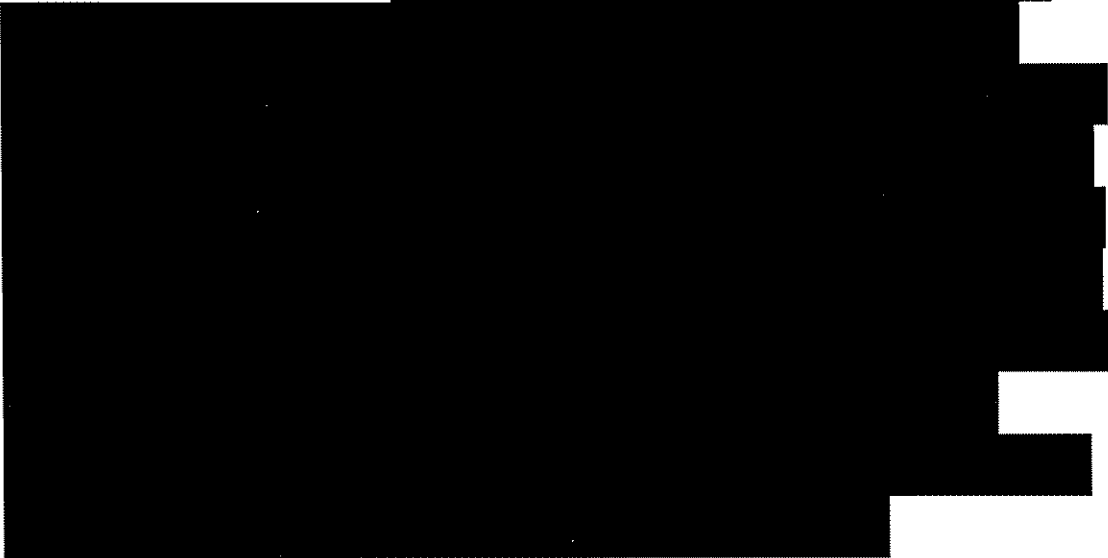
HomePlay Lottery serial numbers

12. 



The HomePlay Lottery™ website

13. In order to play one or more HomePlay Lottery interactive games, a user must log on to an internet website using his or her computer and a web browser such as Microsoft Internet Explorer. At the present time, HomePlay Lottery interactive games are not available to the public. 



[Confidential Figure Redacted]

HomePlay Lottery homepage

14.



[Confidential Figure Redacted]

HomePlay Lottery Login Screen

[Confidential Figure Redacted]

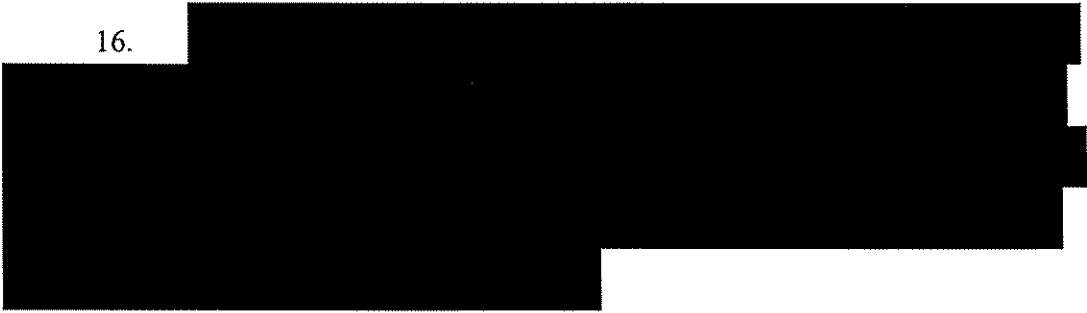
HomePlay Lottery Website Architecture

15.



The configuration of the GameLogic servers, and their communication with a user's web browser, is further described on pages 1 – 4 of the GameLogic document "HomePlay Lottery: Technical Overview," a true and correct copy of which is submitted as Exhibit Q. The GameLogic database schema is depicted in the GameLogic document submitted as Exhibit T. The architecture of the HomePlay Lottery website is pictured above. *See also* Ex. Q.

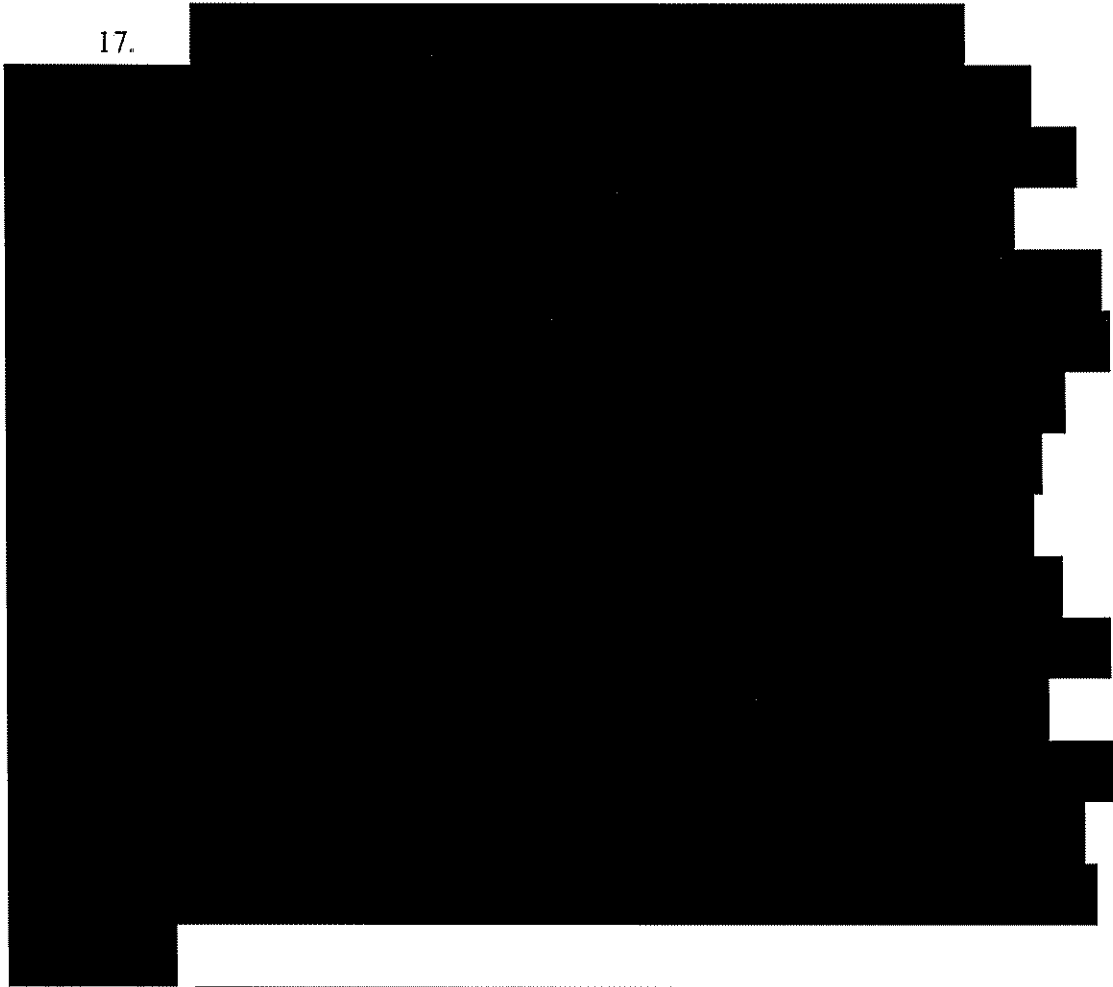
16.



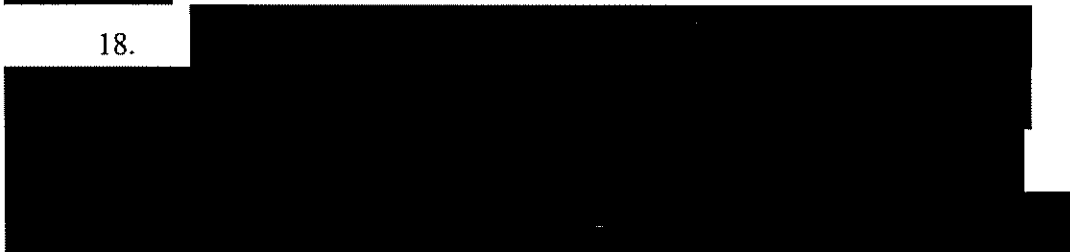
[Confidential Figure Redacted]

HomePlay Games Menu

17.



18.



[REDACTED]

[Confidential Figure Redacted]

Prize Reel™ Blackjack—Blackjack game round

19.

[REDACTED]

[Confidential Figure Redacted]

Prize Reel™ Blackjack—prize round

20.

[REDACTED]

21.

[REDACTED]

[REDACTED]
[REDACTED] Certain HomePlay Lottery

interactive games are summarized and depicted in the GameLogic document submitted as Exhibit R.

22. [REDACTED]

23. [REDACTED]

24. [REDACTED]

25. I have reviewed the patents-in-suit. Based on my experience, I understand a “programmable memory” to be an electronic storage device such as an integrated circuit that holds data in machine readable format. I believe a person of similar education and experience would have understood “programmable memory” this same way in 1996.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed on March 8, 2005, in Cambridge, Massachusetts.

/s/ Dow K. Hardy

Dow K. Hardy

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on March 15, 2005, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

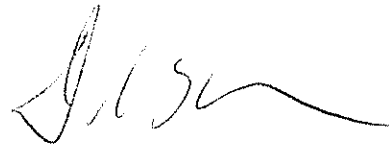
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I hereby certify that on March 15, 2005, I have Federal Expressed the documents to the following non-registered participants:

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